



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

JUL 02 2010

**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

Article Number: 7006-2760-0000-8646-8796

Mr. Marty Stange  
Environmental Engineer  
Hastings Utilities  
Pollution Control Facility  
2120 East 26<sup>th</sup> Street  
Hastings, Nebraska 68901

Re: CERCLA Off-Site Rule: Affirmative Determination of Acceptability for  
the Pollution Control Center, Hastings, Nebraska

Dear Mr. Stange:

This letter serves to inform you that the U.S. Environmental Protection Agency (EPA) has made an affirmative determination of acceptability for the receipt of off-site waste at the Pollution Control Center in Hastings, Nebraska. Pursuant to Title 40 Code of Federal Regulations (40 CFR) Section 300.440(a)(4), EPA has completed an initial assessment of Pollution Control Center, and finds the facility acceptable for the receipt of off-site waste. Such off-site wastes are defined as wastes generated as a result of activities authorized or funded by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

On September 22, 1993, EPA amended the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), 40 CFR Part 300, by adding Section 300.440, now known as the Off-Site Rule. The rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), and incorporates many provisions of the November 13, 1987, OSWER Directive (No. 9834.11), known as the Off-Site Policy. The Off-Site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard. The Off-Site Rule requires that prior to a facility's initial receipt of CERCLA waste, EPA shall determine if there are relevant releases or relevant violations at the facility.

EPA corresponded with the Nebraska Department of Environmental Quality (NDEQ) to determine Pollution Control Center's compliance with applicable environmental standards. The results of the correspondence indicate that Pollution Control Center is currently in compliance with applicable environmental standards. Therefore, effective upon receipt of this letter, Pollution Control Center is acceptable to receive CERCLA off-site waste at the facility described above. Should any new information affecting this determination develop, EPA reserves the right to revisit this decision.

By issuing this notice, EPA is in no way authorizing Pollution Control Center to undertake any waste management practice at this facility for which Pollution Control Center has not been previously authorized by EPA or NDEQ.

If you have any questions concerning this matter, please contact Deborah Bredehoft, Regional Off-Site Contact, Region 7, at (913) 551-7164.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald Toensing', with a stylized flourish at the end.

Donald Toensing  
Branch Chief  
Waste Enforcement and Materials Management  
Branch

cc: Mr. William Gidley, Supervisor  
Waste Management Section, Nebraska Department of Environmental Quality  
NDEQ, Omaha Regional Field Office

bcc: Ms. Deborah Bredehoft, Regional Off-Site Contact  
Ms. Cecilia Tapia, SUPR